

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:22-cv-11-KDB-DCK**

<b>JAMES L. BEYAN, JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b><u>ORDER</u></b>
<b>ALG ENTERPRISES LLC,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** is before the Court *sua sponte*.

The *pro se* Plaintiff purported to file this case as a class action lawsuit pursuant to the Court's federal question and diversity jurisdiction. On February 10, 2022, the Court granted the Plaintiff's Application to proceed *in forma pauperis* and dismissed the Complaint on initial review as frivolous and for failure to state a claim upon which relief can be granted. (Doc. No. 3). The Court granted the Plaintiff 30 days within which to amend his Complaint to correct the deficiencies identified by the Court. (*Id.*). The Plaintiff was cautioned that the failure to timely comply with the Order would result in this case's dismissal without further notice. (*Id.*). The February 10 Order was mailed to the Plaintiff at his address of record on the same day it was entered. On March 3, 2022, the Order was returned to the Court, marked "return to sender vacant unable to forward." (Doc. No. 4). The Plaintiff has not provided the Court with an updated address.

The Plaintiff failed to timely comply with the Court's February 10 Order and the time to do so has expired. Further, he has not informed the Court of his change of address and he appears to have abandoned this action. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a

defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED that:**

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's February 10, 2022 Order.
2. The Clerk of this Court is directed to close this case.

Signed: March 21, 2022



Kenneth D. Bell  
United States District Judge

